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**Via ECF**

The Honorable Katharine H. Parker  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 750  
New York, New York 10007

*Re: Delgado v. Donald J. Trump for President, Inc., et al.*, No. 19-cv-11764 (AT)(KHP)  
Objection to Plaintiff's Unauthorized Reply Brief

Dear Judge Parker:

As you are aware, my office represents non-party, Eric Trump ("Mr. Trump"), in the above-referenced action. I write concerning the motion to compel (ECF 321) filed by the plaintiff, Arlene Delgado ("Plaintiff"), and, more specifically, the letter reply brief submitted by Plaintiff via e-mail this morning. The reply brief is objectionable on several grounds.

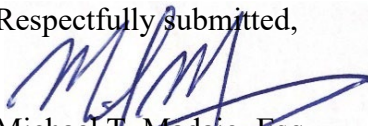
*First*, the operative deadlines for Plaintiff's motion to compel were set forth in Your Honor's Order dated May 28, 2024 (ECF 330), which stated only that Mr. Trump shall "have 7 days after service to file a response to Plaintiff's letter motion." ECF 330 at 2. The Order does not make any mention of a reply brief, nor does it authorize Plaintiff to file one. For this reason alone, Plaintiff's filing was improper and should be disregarded.

*Second*, even assuming *arguendo* that Plaintiff was permitted to file a reply brief, her filing was submitted well past the applicable deadline. Pursuant to S.D.N.Y. Local Civil Rule 6.1(a), Plaintiff was required to file any reply memoranda by June 6, 2024—two days after Mr. Trump filed his opposition on June 4, 2024. *See* ECF 338. This morning's submission was therefore nineteen days too late.

*Third*, Plaintiff improperly raises new arguments for the first time in her reply brief. *See, e.g., Zirotiannis v. Seterus, Inc.*, 221 F. Supp. 3d 292, 298 (E.D.N.Y. 2016), *aff'd*, 707 F. App'x 724 (2d Cir. 2017) ("It is well-established that '[a]rguments may not be made for the first time in a reply brief.'" (quoting *Knipe v. Skinner*, 999 F.2d 708, 711 (2d Cir. 1993))). Plaintiff advances numerous arguments that were not contained in her barebones letter motion, including those concerning the nature of Mr. Trump's relationship with the Trump Organization and Donald J. Trump for President, Inc., the timing of her 'threats' to involve Mr. Trump in litigation, the extent of privilege between Mr. Trump and Alan Garten, General Counsel to the Trump Organization, and the reclassification of documents from privileged to non-responsive. Because Mr. Trump has not had an adequate opportunity to address these arguments, they should not be considered by the Court.

Since Plaintiff's reply brief is unauthorized, untimely, and otherwise improper, it is respectfully submitted that the Court should decline to consider it. To the extent the Court is inclined to do so, we respectfully request that Mr. Trump be afforded the opportunity to submit a short sur-reply brief to address the new arguments raised in Plaintiff's reply brief

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Madaio', is written over a light blue rectangular background.

Michael T. Madaio, Esq.  
For HABBA MADAIO & ASSOCIATES LLP

cc: All Counsel of Record (via ECF)